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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,975	02/27/2004	Jean-Marie Gatto	CYBS5858	9438
86915	7590	11/24/2009	EXAMINER	
Young Law Firm, P.C. 4370 Alpine Road, Suite 106 Portola Valley, CA 94028			PATEL, NIRAV B	
ART UNIT	PAPER NUMBER			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/789,975	<b>Applicant(s)</b> GATTO ET AL.
	<b>Examiner</b> NIRAV PATEL	<b>Art Unit</b> 2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 June 2009.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25,82 and 84-90 is/are pending in the application.
- 4a) Of the above claim(s) 1-16,82 and 84-90 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 17-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 10/2/09, 8/27/09
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's amendment filed on June 17, 2009 has been entered. Claims 1-25, 82, 84-90 are pending. Claims 1-16, 82, 84-90 are also amended by the applicant. Claims 17-25 are rejected.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 17-21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunyakti et al (US Pub. No. 2004/0153658) in view of Yip et al (US Pub. No. 2002/0004901) in view of Fieres et al (US Patent No. 5,841,870) and in view of Lambert et al (US 7,350,204).

As per claim 17, Gunyakti teaches: a method for a network connected gaming system to prevent unauthorized software component of constituent computers of the gaming system from executing, the gaming system including a plurality of gaming machines each having a plurality of executable software component [Fig. 2, paragraph 0026], the method comprising the step of: producing a separate and unique license for each of the plurality of executable software component subject to receiving license within each

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gaming machine, each software component subject to receiving license including a unique identifier [Fig. 2, paragraph 0026-0028], code signing each executable software component subject to receiving license with its respective separate and unique license, each respective license being uniquely identified at least by a unique identifier that is uniquely associated with the executable software component [paragraph 0027]; such that identical executable software components in different ones of the plurality of gaming machines of the network connected gaming system are associated with identical identifier and code signed with identical licenses [Fig. 2, paragraph 0026, 0028].

Gunyakti teaches identical executable software components are associated with identical identifier and code signed with identical certificates/licenses as above.

Yip teaches:

producing a separate and unique PKI certificate for each of the plurality of executable software component subject to receive certificate within each gaming machine [Fig. 2, 3, paragraph 0048, 0046]; code signing each executable software component subject to receiving certification with its respective separate and unique PKI certificate, each respective PKI certificate that is uniquely associated with the executable software component [Fig. 2, 3, paragraph 0039, 0040, 0048], such that non-identical executable software components in different ones of the plurality of gaming machines are associated with separate and different identifier and are code signed with separate and different PKI certificates and such that no two non-identical executable software

component in different gaming machines are code signed with a same PKI certificate [Fig. 3, paragraph 0048, 0051, 0052].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Yip with Gunyakti, since one would have been motivated to reduce the complexity of the application as well as the application's cost and likelihood of programming errors [Yip, paragraph 0012-0015].

Fieres teaches:

receiving certification with its respective separate and unique PKI certificate, each software component subject to receiving certificate including a unique identifier [Fig. 2, 7, application certificate with application ID]; each respective PKI certificate being uniquely identified at least by a unique identifier [Fig. 2, 7, application certificate with application ID].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Fieres with Gunyakti and Yip, since one would have been motivated to identify the application and establish the trust between the application and the platform/machine [col. 7 lines 54-55].

Gunyakti and Fieres teach the policy for the executable software components to allow execution of the executable software component whose code signed PKI certificate is determined to be authorized [Gunyakti, paragraph 0028, Fieres, Fig. 2, 6, 7].

Lambert teaches: configuring a software restriction policy certificate rule for each of the plurality of executable software components and enforcing each of the software restriction policy certificate rules to allow execution of only those executable software

component whose code signed PKI certificate is determined to be authorized [Fig. 5A, 8, associated text].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Lambert with Gunyakti, Yip and Fieres, since one would have been motivated to improve security framework of computer systems [Lambert, col. 1 line 13-14].

As per claim 18, the rejection of claim 17 is incorporated and Lambert teaches:  
configuring software restriction policy rules to prevent execution of unauthorized software component [col. 3 lines 31-34].

As per claim 19, the rejection of claim 17 is incorporated and Lambert teaches:  
configuring software restriction policy rules to prevent execution of all not explicitly authorized software component [col. 3 lines 31-34].

As per claim 20, it encompasses limitations that are similar to limitations of claim 17.  
Thus, it is rejected with the same rationale applied against claim 17 above.

As per claim 21, the rejection of claim 17 is incorporated and Lambert teaches:  
the authorized software components are mandated by a regulatory body [Fig. 5A].

As per claim 24, it encompasses limitations that are similar to limitations of claim 17.  
Thus, it is rejected with the same rationale applied against claim 17 above.

As per claim 25, it encompasses limitations that are similar to limitations of claim 17. Thus, it is rejected with the same rationale applied against claim 17 above.

3. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert et al (US 7,350,204) in view of Gunyakti et al (US Pub. No. 2004/0153658) in view of Yip et al (US Pub. No. 2002/0004901).

As per claim 22, Lambert teaches: configuring a separate and unique certificate software restriction policy certificate rule for each authorized executable software component of each of the constituent computers of the gaming system such that each authorized executable software component in each of the constituent computers of the gaming system must be authorized to run by its associated separate software restriction policy [Fig. 5A, 8, 9, associated text]; configuring a path software restriction policy to prevent unauthorized software component from executing [col. 3 lines 31-34, col. 13 lines 4-52]; configuring a path software restriction policy to prevent non-explicitly authorized software components from executing [col. 3 lines 31-34, col. 13 lines 4-52]; enforcing the certificate software restriction policy configured for each of the code signed authorized executable software components of each of the constituent computers of the gaming system [Fig. 5A, 8, 9, associated text]; enforcing the path software restriction policies [Fig. 5A, 8, 9].

Gunyakti teaches: codes signing each authorized software component with a license; such that identical executable software components in different ones of the plurality of gaming machines of the network connected gaming system are associated with identical identifier and code signed with identical licenses [Fig. 2, paragraph 0026-0028].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Gunyakti with Lambert, since one would have been motivated to deter the software piracy [Gunyakti, paragraph 0001].

Gunyakti teaches identical executable software components are associated with identical identifier and code signed with identical certificates/licenses as above.

Yip teaches:

code signing each executable software component subject to receiving certification with its respective separate and unique PKI certificate, each respective PKI certificate that is uniquely associated with the executable software component [Fig. 2, 3, paragraph 0039, 0040, 0048], such that non-identical executable software components in different ones of the plurality of gaming machines are associated with separate and different identifier and are code signed with separate and different PKI certificates and such that no two non-identical executable software component in different gaming machines are code signed with a same PKI certificate [Fig. 3, paragraph 0048, 0051, 0052].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Yip with Lambert and Gunyakti, since one would

have been motivated to reduce the complexity of the application as well as the application's cost and likelihood of programming errors [Yip, paragraph 0012-0015].

As per claim 23, the rejection of claim 22 is incorporated and Lambert teaches:  
the authorized software components are mandated by a regulatory body [Fig. 5A].

#### **Response to Argument**

4. Applicant's arguments filed June 17, 2009 have been fully considered but they are not persuasive.

Regarding to applicant's argument to claims 17, 20, 22, 24, 25, Examiner maintains since Gunyakti's invention relates to field of software piracy deterrence. A software-vendor-signed file containing an enterprise specific VLK, a license ID, network environment binding hashes and any policy data is provided to the volume license holder along with the licensed software. The software 212 is an enterprise-specific or volume-license-holder-specific. The VLK is embedded within a relatively large file, called license file. The license file is constructed based upon an identification for the company and products that are licensed to the company. The file is then signed with a private key to the generate license file. The license holder's software is distributed among clients as shown in Fig. 2. Therefore, Gunyakti teaches producing a separate and unique license for each of the plurality of executable software component, wherein each software component subject to receiving license including a unique identifier, such

that identical executable software components in different ones of the plurality of machines of the network connected system are associated with identical identifier and code signed with identical licenses (i.e. identical software with same license file is distributed among clients – plurality of machines). Yip's invention relates to PKI-enabling a plurality of applications using application specific certificates. Each application is integrated with an application-specific RA, CA, certificate repository and directory service as shown in Fig. 3. Therefore, Yip teaches producing a separate and unique PKI certificate for each of the plurality of executable software component such that non-identical executable software component associated with separate and different identifier and are code signed with separate and different PKI certificates and such that no two non-identical executable software component in different machines are code signed with a same PKI certificate (i.e. applicant specific certificate is specific to application and therefore different/non identical application/software has a separate and different PKI certificate). Further, Fieres teaches the application certificate, which contains the application ID and other information. The application ID is a unique identifier. Therefore, Fieres teaches the unique PKI certificate for each software component including a unique identifier. Lambert teaches system and method wherein the software is identified and classified and then a rule corresponding to the classification automatically and transparently determines the software's ability to execute. A security restriction policy comprising a set of rules is provided to correlate the classification information for any software to a security level that

**may restrict or prevent the software from running.** The rule for each file/software is determined based on the identification/classification information of the file. Therefore, Lambert teaches the software restriction policy certificate rule for each of the plurality of executable software component to allow execution of only authorized software. Therefore, the combination of Gunyakti, Yip, Fieres and Lambert teaches the claim subject matter. Further, it has been held that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does not more than yield predictable results." KSR., 127 S. Ct. at 1739, 82USPQ2d at 1395 (2007) (citing Graham, 383 U.S. at 12).

For the above reasons, it is believed that the rejections should be sustained.

### **Conclusion**

5. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

*/N. P./*

*Examiner, Art Unit 2435*

*/Kimyen Vu/*

*Supervisory Patent Examiner, Art Unit 2435*